

DETAILED ACTION

1. Response and amendment filed 19 December 2007 to the Office Action mailed 20 September 2007 is acknowledged and entered.

Withdrawals In View of Amendments and Arguments

2. In view of amendment and remarks filed 19 December 2007 to the Office Action mailed 20 September 2007, the following rejections made in the Office Action mailed 20 September 2007 are hereby withdrawn:

- * Lack of enablement rejection to Claims 1-3, 6-10 and 21-22 under 35 U.S.C. §112, First Paragraph.

Claims Status

3. Claims 4-5, 11-20 and 23-37 have currently been cancelled.
4. Claims 1-3, 6-10 and 21-22 are currently pending and are examined on merits.

Priority

5. It is noted that this application appears to claim subject matter disclosed in prior Application No. 10/XXX, XXX, filed 20 October 2003. A reference to the prior application must be inserted as the first sentence(s) of the specification of this application or in an application data sheet (See 37 C.F.R. §1.76), if applicant intends to rely on the filing date of the prior application under 35 U.S.C. §119(e), §120, §21, or §365(c). See 37 C.F.R. §1.78(a). For benefit claims under 35 U.S.C. §120, §121, or §365(c), the reference must include the relationship (i.e., continuation, divisional, or continuation-in-part) of all non-provisional applications. If the application is a utility or plant application filed under 35 U.S.C. §111(a) on or after November 29, 2000, the specific reference to the prior application must be submitted during the pendency of the application and within the later of four months from the actual filing date of the application or sixteen months from the filing date of the prior application. If the application is a utility or plant application which entered the national stage from an international application filed on or after November 29, 2000, after compliance with 35 U.S.C. §371, the specific reference must be submitted during the pendency of the application and within the later of four months from the date on which the national stage commenced under 35 U.S.C. §371(b) or (f) or sixteen months from the filing date of the

prior application. See 37 C.F.R. §§1.78(a) (2) (ii) and (a) (5) (ii). This time period is not extendable and a failure to submit the reference required by 35 U.S.C. §§119(e) and/or 120, where applicable, within this time period is considered a waiver of any benefit of such prior application(s) under 35 U.S.C. §119(e), §120, §121 and §365(c). A benefit claim filed after the required time period may be accepted if it is accompanied by a grantable petition to accept an unintentionally delayed benefit claim under 35 U.S.C. §119(e), §120, §121 and §365(c). The petition must be accompanied by (1) the reference required by 35 U.S.C. §120 or §119(e) and 37 C.F.R. §§1.78(a)(2) or (a)(5) to the prior application (unless previously submitted), (2) a surcharge under 37 C.F.R. §1.17(t), and (3) a statement that the entire delay between the date the claim was due under 37 C.F.R. §§1.78(a)(2) or (a)(5) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional. The petition should be addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

If the reference to the prior application was previously submitted within the time period set forth in 37 C.F.R. §1.78(a), but not in the first sentence(s) of the specification or an application data sheet (ADS) as required by 37 C.F.R. §1.78(a) (e.g., if the reference was submitted in an oath or declaration or the application transmittal letter), and the information concerning the benefit claim was recognized by the Office as shown by its inclusion on the first filing receipt, the petition under 37 C.F.R. §1.78(a) and the surcharge under 37 C.F.R. §1.17(t) are not required. Applicant is still required to submit the reference in compliance with 37 C.F.R. §1.78(a) by filing an amendment to the first sentence(s) of the specification or an ADS. See M.P.E.P. §201.11.

It is noted that applicants filed an ADS on 07 February 2008. Said ADS, despite including the relationship (i.e., continuation, divisional, or continuation-in-part) of all non-provisional applications was filed outside of the later of four months from the actual filing date of the application or sixteen months from the filing date of the prior application as required under 35 U.S.C. §120, §121, or §365(c), and under 35 U.S.C. §371(b) or (f) or See 37 C.F.R. §§1.78(a)(2)(ii) and (a)(5)(ii).

Accordingly, as outlined in the preceding paragraph, applicants may file a petition to claim priority benefit under 35 U.S.C. §119(e), §120, §121 and §365(c). The petition must be accompanied by (1) the reference required by 35 U.S.C. §120 or §119(e) and 37 C.F.R. §§1.78(a)(2) or (a)(5) to the prior application (unless previously submitted), (2) a surcharge under 37 C.F.R. §1.17(t), and (3) a statement that the entire delay between the date the claim was due under 37 C.F.R. §§1.78(a)(2) or (a)(5) and the date the claim was filed was unintentional. The Director may require additional information where there

is a question whether the delay was unintentional. The petition should be addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Information Disclosure Statement

6. The Information Disclosure Statement (i.e., IDS) filed 14 September 2007 has been made of record, considered and duly initialed form USPTO-1449 is enclosed with this Office Action.

Allowable Subject Matter

7. Claims 1-3, 6-10 and 21-22 are allowed.

8. Any comments considered necessary by applicants must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Kailash C. Srivastava whose telephone number is (571) 272-0923. The examiner can normally be reached on Monday to Thursday from 7:30 A.M. to 6:00 P.M. (Eastern Standard or Daylight Savings Time).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dr. Jon Weber can be reached at (571)-272-0925 Monday through Thursday 7:30 A.M. to 6:00 P.M. The fax phone number for the organization where this application or proceeding is assigned is (571)-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding may be obtained from the Patent Application Information Retrieval (i.e., PAIR) system. Status information for the published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (i.e., EBC) at: (866)-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Patent Examiner
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11 February 2008

/Jon P Weber/

Supervisory Patent Examiner, Art Unit 1657